

Message Text

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TAGS: CFED, GW
SUBJECT: CONGRESSIONAL INQUIRY ON STATUS OF FRG
COMPENSATION REGULATIONS

REF: (A) STATE 167725; (B) BONN 11953

1. ON THE BASIS OF INQUIRIES TO THE FRG FONOFF LEGAL
DEPARTMENT AND THE FEDERAL MINISTRY OF FINANCE AS A
RESULT OF REFTEL A, THE EMBASSY HAS BEEN ADVISED THAT
THE FEDERAL REPUBLIC DOES NOT INTEND TO UNDERTAKE FURTHER
REVIEW AND LIBERALIZATION OF GERMAN COMPENSATION LEGIS-
LATION IN SETTLEMENT OF CLAIMS RESULTING FROM WW II AND
THE NAZI REGIME, I.E., INCLUDING ALSO THOSE CLAIMS
DESCRIBED IN REFTEL A.

2. IT WAS DRAWN TO EMBASSY'S ATTENTION THAT THIS POSI-
TION IS SPELLED OUT BY THE GOVERNMENT DECLARATION READ
BY FEDERAL CHANCELLOR SCHMIDT AT THE 100TH SESSION OF
THE GERMAN BUNDESTAG ON MAY 17, 1974. TRANSLATION OF
THE PERTINENT PARTS OF THAT DECLARATION READS AS
FOLLOWS:

"THE FEDERAL GOVERNMENT, BY THE 28TH AMENDMENT TO THE
LAW ON THE EQUALIZATION OF BURDENS PRESENTLY UNDER CON-
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SIDERATION, AND POSSIBLE MINOR CORRECTIONS NECESSARILY
RELATED TO THE HISTORY OF THE GERMANS, CONSIDERS THE
WHOLE COMPLEX OF THIS BURDEN RESULTING FROM THE WAR AS
CLOSED, I.E., IN PARTICULAR THE COMPENSATION OF POW'S,
EQUALIZATION OF BURDENS, RESTITUTION, AND THE LAW CON-
CERNING ARTICLE 131 (FRG BASIC LAW).

"THE FEDERAL REPUBLIC OF GERMANY, I.E., ITS TAXPAYERS, HAVE PRODUCED DM 220 BILLION (RPT BILLION) IN PAST YEARS AND UNDER LAWS IN FORCE WILL NEED TO RAISE AN ADDITIONAL DM 174 BILLION (RPT BILLION) IN THE FUTURE FOR THESE BURDENS AS A RESULT OF THE WAR. THE FEDERAL GOVERNMENT DOES NOT SEE ANY POSSIBILITY TO PLACE BURDENS GOING BEYOND THIS ON THE TAXPAYERS.

"THE FEDERAL GOVERNMENT IS AWARE THAT A FULLY SATISFACTORY SETTLEMENT OF THE MANY COMPENSATION CLAIMS, WHICH MAY BE DESIRABLE, IS NOT ATTAINABLE. FOR THIS THE TAX CAPACITY OF THE PEOPLE OF THIS COUNTRY IS SIMPLY NOT SUFFICIENT. NOW TASKS OF THE FUTURE MUST RECEIVE PRIORITY. THEIR FULFILMENT WILL ALSO BE OF BENEFIT TO THOSE WHO SUFFERED DAMAGE."

COMMENT: IN VIEW OF THIS GOVERNMENT POSITION, ANY EXPECTATION OF FURTHER LIBERALIZATION OF EXISTING GERMAN COMPENSATION LEGISLATION IN ORDER TO HONOR CLAIMS CATEGORIES SUCH AS THOSE REFERRED TO IN REFTTEL A, WOULD APPEAR TO BE UNREALISTIC.
STOESSEL

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